

Restriction Requirement:

In the October 5, 2006 Office Action, the Examiner required restriction under 35 U.S.C. §121 of pending claims 87-164 to one of nine allegedly patentably distinct inventions.

- a. Group I, claims 87-96, 111-113, 126-135, and 150-152, drawn to a DNA encoding a modified HIV-1 envelope glycoprotein;
- b. Group II, claims 97-104 and 136-143, drawn to a non-replicating viral vector;
- c. Group III, claims 105-110 and 144-149, drawn to a host cell;
- d. Group IV, claims 114, 116, 153, and 155, drawn to a modified gp120-gp41 complex;
- e. Group V, claims 115 and 154, drawn to a method of making a modified gp120-gp41 complex;
- f. Group VI, claims 117-119, 122-124, 156-158 and 161-163 drawn to a DNA vaccine;
- g. Group VII, claims 120, 121, 159, and 160, drawn to a proteinaceous vaccine;
- h. Group VIII, claims 122-124 and 161-163, drawn to a vaccine comprising a nonreplicating viral vector; and
- i. Group IX, claims 125 and 164, drawn to a vaccine comprising both DNA and protein.

The Examiner further alleged that Inventions I-IV and VI-IX are all unrelated. The Examiner further stated that inventions are related if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (M.P.E.P. §806.4 and §808.01). The Examiner stated that, in the instant case, each of the identified groups is directed toward a structurally/functionally different product/composition (e.g. DNA, vectors, cell lines, complexes, various vaccine